

City of Sebastopol City Council Regular Meeting  
Minutes of  
Meeting of March 20, 2018

The public is advised that pursuant to Government Code Section 54957.5 all writings submitted to the City Council are public records and will be made available for review.

Please note that minutes are not verbatim minutes and are meant to be the City's record of a summary of actions that took place at the meeting.

Notice: All resolutions and ordinances introduced and/or adopted under this agenda are waived of all reading of entire resolution(s) and ordinance(s).

The Sebastopol City Council welcomes you to its meetings that are generally scheduled for the 1st and 3rd Tuesday of every month. Your interest and participation are encouraged and appreciated.

SIMULTANEOUS MEETING COMPENSATION DISCLOSURE (Government Code § 54952.3): Members of the City Council receive no additional compensation as a result of convening a joint meeting of the City Council and Successor Agency to the Former Community Development Agency

SB 751 Legislative bodies of local agencies must publicly report: (1) any action taken and (2) the vote or abstention on each action taken by each member present for the action at a meeting.

A notice of the meeting was posted by the City Clerk on March 14, 2018.

6:00 pm            CONVENE CITY COUNCIL MEETING, Sebastopol Youth Annex/Teen Center, 425 Morris Street, Sebastopol, CA

CALL TO ORDER: Mayor Slayter called the meeting to order at 5:02 pm.

**ROLL CALL:**

Present:           Mayor Slayter  
                     Vice Mayor Hinton  
                     Councilmember Carnacchi  
                     Councilmember Glass  
                     Councilmember Gurney  
  
Absent:           None  
Staff:             City Manager/City Attorney Larry McLaughlin  
                     Assistant City Manager/City Clerk Mary Gourley  
                     Engineering Manager Henry Mikus  
                     Fire Chief Bill Braga  
                     Planning Director Kenyon Webster  
                     Chief James Conner  
                     Public Works Superintendent Dante Del Prete

SALUTE TO THE FLAG: Mayor Slayter led the salute to the flag.

**PROCLAMATIONS/PRESENTATIONS:**

Years of Service Award

- James Jorgensen – 15 years (Fire Department)

*Proclamation* - Proclaiming Saturday, March 24, 2018 from 8:30 pm – 9:30 pm as Earth Hour in the City of Sebastopol

**PUBLIC COMMENT**

- Speakers are allowed to speak for a maximum of three minutes so that all speakers have an opportunity to address the City Council. Power point or visual presentations for public comment shall not be permitted unless approved by the Agenda Review Committee two weeks prior to the requested meeting date.
- Yielding Time: Speakers may not "yield" a portion of their allotted time to others.
- The Mayor has the authority to limit or extend the time allowed for speakers dependent on the number of speakers in attendance.
- The Mayor can poll the members of the public for an indication of the number of people wishing to speak, then call on individuals to speak.
- It is the goal of the Council to conclude the public comments portion of the agenda within 20 minutes. If the public comment period exceeds twenty minutes, the presiding officer, typically the Mayor, reserves the right to reduce the time per speaker or carry over public comments to after all business items are completed.
- The City Clerk will monitor the time for public comments and inform the speakers when the time limitation has been reached.
- The Mayor could survey the members of the public, as appropriate, to move agenda items up or back to address the members of the public items of concern.
- Public participation is encouraged on all public agenda items.
- Council and staff will treat participants and each other with courtesy. Derogatory or sarcastic comments are inappropriate.
- The public will likewise be encouraged by the Mayor to maintain meeting decorum.
- In Council meetings when citizens are agitated, the Mayor may call a short recess to calm the situation.
- If a member of the public is unable to attend the Council meeting, written communications may be sent to the City Clerk by e-mail or by regular mail. Communications received after distribution of the agenda packet will be made available to the Council at the meeting.

Mayor Slayter opened for public comment.

Linda Berg commented as follows:

- Goes as EMF Linda
- Life revolves around avoiding EMF radiation
- Discussed climate change
- Driven by microwave radiation in name of solar management
- Radiation is uninsurable - dangerous
- All devices exclude coverage from harm/damage caused by EMF
- Verizon is coming to town
- Put in application for small cell antenna
- Placing on top of utility poles
- Using 24-90 gigahertz
- Travesty
- Cannot allow it to happen
- Cannot support the industry that is killing us
- Displayed a meter to the City Council
- City will be using meters for testing
- Staff member being trained and report back to public hopefully on levels of radiation
- Surprised on some things on the agenda

Colleen Fernald commented as follows:

- From greater Sebastopol area

- Conflict of interest of dual roles
- Fell down on job
- Simple request
- Discussed Scott Verse memorial
- Debt to City
- Repay in service
- City staff fell down on job
- Discussed Public Law 107 243
- Removal thereof every unconstitutional use of force
- Peace town is name only
- Discussed Bernie Sanders
- Hear from Barbara Lee
- Maintain communications with representatives
- Only Congress can declare war and pay debts
- Discussed Oath of Office
- Discussed running for Senate
- Discussed past administrations

Alan Horn commented as follows:

- Resident
- Businessowner
- Member of Chamber of Commerce
- Member of SCREAM
- Member of MVRS
- Member of EMF Safety Network
- Requesting a one-year moratorium on all new buildings and use permits involving radiation emitting devices
- Discussed the current Verizon application
- Need moratorium
- Update current ordinance
- Wants the City to hire a full time radiation specialist
- Monitor radiation levels daily – like weather report
- Teach people how to reduce risks to radiation emitting devices
- Discussed health symptoms – read list
- Significant human health affects

ila Benavidez-Heaster commented as follows:

- Discussed the Anytime Fitness item at the last meeting
- Need to understand decisions
- Do not know vision
- Not want to have formula stores in center of City
- Keep talking of the economic development position – economy
- Look in town – have all these stores empty and now talking of adding retail
- Young ones getting frustrated
- Set up vision

- Staff can only do so much
- Need to have something to move towards rather than what we are not doing
- Need to get back into alignment
- Look at where going
- Love idea of center of town being unique shops
- Got to make it work
- Need to have money come in
- Begin to do the exploration of where want to go and how want to get there and how do that
- Discussed perceptions

**STATEMENTS OF CONFLICTS OF INTEREST BY MAYOR/CITY COUNCILMEMBERS FOR ITEMS ON THE AGENDA**  
(This is the time for the Mayor or City Councilmembers to indicate any statements of conflicts of interests for any item listed on this agenda) *There were none.*

Mayor Slayter announced Agenda Item Number 12 – read title – stated that is a typographical error – working agenda items are broad – edit down as item gets more definition – consideration of moratorium is not on the agenda this evening and it was listed in error.

City Manager/Attorney McLaughlin explained the agenda process.

**CONSENT CALENDAR:**

- o The consent agenda consists of items that are routine in nature and do not require additional discussion by the City Council or have been reviewed by the City Council previously. These items may be approved by one motion without discussion unless a member of the City Council requests that the item be taken off the consent calendar.
- o The Mayor will read the consent calendar items; ask if a Councilmember wishes to remove one or more items from the consent calendar; and then open public comment to the members of the public in attendance. At this time, a member of the public may speak for up to three minutes on the entire consent calendar and request at that time that an agenda item or items be removed for discussion.
- o If an item or items are removed from the consent calendar, the item shall be placed at the end of the regular agenda items unless otherwise determined by the Mayor or Mayor Pro Tem.
- o Council Members may comment on Consent Calendar items or ask for minor clarifications without the need for pulling the item for separate consideration. Items requiring deliberation should be pulled for separate consideration and shall be placed at the end of the regular agenda items unless otherwise determined by the Mayor or Mayor Pro Tem.

Councilmember Glass moved and Vice Mayor Hinton seconded the motion to approve Consent Calendar Item(s) Number(s) 1, 2, 3, 4 and 5.

**VOTE:**

Ayes: Councilmembers Carnacchi, Glass, Gurney, Vice Mayor Hinton and Mayor Slayter  
Noes: None  
Absent: None  
Abstain: None

**CONSENT CALENDAR:**

1. Approval of Minutes of March 6, 2018 City Council Meeting Minutes (City Administration)  
**City Council Action: Approved Minutes of March 6, 2018 City Council Meeting Minutes**  
**Minute Order Number: 2018-054**
2. Approval of Acceptance of Bids for Contract number 2017-09, Bodega Ave./Ragle Rd. Round Rapid Flashing Beacon Crosswalk Warning System and other intersection improvements to DC Electric in an amount not to exceed \$117,689 (Engineering Manager)

City Council Action: Approved Acceptance of Bids for Contract number 2017-09, Bodega Ave./Ragle Rd. Round Rapid Flashing Beacon Crosswalk Warning System and other intersection improvements to DC Electric in an amount not to exceed \$117,689

Minute Order Number: 2018-055

3. Approval of Waiving of Second Reading and Adoption of Ordinance for Amendment to the Contract Between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the City of Sebastopol to Include Provisions Pursuant to Government Code 20516 "Cost Sharing" for Local Sebastopol Police Officers Association (SPOA) Members in Accordance with the Previously Approved Comprehensive Memorandum of Understanding (Finance Director)

City Council Action: Approved Waiving of Second Reading and Adoption of Ordinance for Amendment to the Contract Between the Board of Administration of the California Public Employees' Retirement System (CalPERS) and the City of Sebastopol to Include Provisions Pursuant to Government Code 20516 "Cost Sharing" for Local Sebastopol Police Officers Association (SPOA) Members in Accordance with the Previously Approved Comprehensive Memorandum of Understanding

Minute Order Number: 2018-056

Ordinance Number: 1109

4. Approval of Rejection of Claim for Money or Damages Against the City of Sebastopol Filed by Michael D. Green, Esq. & Scott R. Montgomery, Esq. Abbey, Weitzenberg, Warren & Emery on Behalf of Maureen Ryan (City Administration)

City Council Action: Approved Rejection of Claim for Money or Damages Against the City of Sebastopol Filed by Michael D. Green, Esq. & Scott R. Montgomery, Esq. Abbey, Weissenberg, Warren & Emery on Behalf of Maureen Ryan

Minute Order Number: 2018-057

5. Approval of Receipt of Information for Upcoming Opening on the Sonoma County Library for a Representative from Sebastopol (Current Rep: Helena Whistler – Term Ends June 2018) (City Administration)

City Council Action: Approved Receipt of Information for Upcoming Opening on the Sonoma County Library for a Representative from Sebastopol (Current Rep: Helena Whistler – Term Ends June 2018)

Minute Order Number: 2018-058

#### INFORMATIONAL ITEMS/PRESENTATION:

6. Presentation: Ives Pool Annual Presentation to the City Council (Ricardo Freitas)

Ricardo Freitas provided an informational presentation to the City Council.

Councilmember Gurney commented as follows:

- Report so positive
- Statistics so impressive
- Learn to Swim – questioned if this is for children only? Ricardo Freitas commented that it is for children but any adult can come to the program/give the same scholarship
- Assignment -resurface Willow – had decent road for access to pool – think Councilmembers heard unintended consequence (speeding) – Questioned if swimmers are concerned of this – Ricardo Freitas commented that he has talked with Police Chief – do not see any difference of speed there from past to present – no problems yet – confident people are driving safely

- Heard complaints (Vice Mayor Hinton and Councilmember Gurney both) and they suggested the Pool get the Slow Down Kitty – urged the Pool to stay in contact with Police Department

Mayor Slayter asked for status of upgrades of construction.

Mr. Freitas commented as follows:

- Construction started two weeks ago
- Started major demolition
- Women's shower remodel will take ten weeks
- Men's shower remodel will take five weeks
- Hoping to pour concrete tomorrow
- Had issue with demolition
- Long process – important for pool to have expansion and ADA

Mayor Slayter commented that this expansion and projects is what the City has been wanting to do for a long time and is happy to see it happening.

Mayor Slayter opened for public comment. There was none.

The Council thanked Mr. Freitas for the presentation.

**City Council Action: None Required. Informational Only.**

**Reference Order Number: 2018-059**

7. Presentation: Rotary Learn to Swim Program (Greg Jacobs)

Mr. Jacobs presented an informational presentation to the City Council and made the following comments:

- Stated that he inherited the program from Vice Mayor Hinton when she was in the Rotary
- Stated he was on the Parks and Rec commission with Councilmember Gurney
- Stated Ricardo is doing a great job
- Thanked Councilmember Gurney who suggested he come tonight to discuss the program along with Rick Wilson
- Introduced Rick Wilson (organized swift water rescue for Cache Creek)
- Experience with white water operations
- Mr. Wilson read a prepared statement with the following highlights:
  - Peace town concert
  - Resident junk artist Patrick Amiot
  - Learn to Swim Program
  - Discussed the Learn to Swim program
  - Provided statistics to the City Council
  - Thanked the City Council
- Served on many committees – really got involved with child injury prevention
- Need to have swimming lessons
- City fortunate to have this program
- Happy took over program from Vice Mayor Hinton
- 11,000 kids pass through over the last 34 years

- Many lives saved
- Need volunteers
- Left information for City Clerk on the program
- Looking for any person who can teach basic swimming lessons
- Will teach volunteers
- A lot of fun
- Thanked Mrs. Ives
- Katherine Ives – no park in Sebastopol in 1930s – land by Vets building – give land to City – not just park but a public swimming pool
- Traffic is better in front of the pool

Vice Mayor Hinton questioned why so many more kids this year- record season.

Mr. Jacobs stated that Parkside doubled second graders and more are coming from out of the area.

Mayor Slayter opened for public comment.

Mr. Wilson commented on the classes:

- Monday-Thursday
- 12:00 starts – 1:30 is the last class

Councilmember Gurney commented as follows:

- Only public pool in all of the West County
- Providing great service
- Many people go through swimming program and become life savers
- Put positive face to rescues and lives saved
- A lot of swimmers saved by skills learned there
- Thanked for teaching skills – Ives Pool does a lot of good
- Discussed children learning to swim

The Council thanked Mr. Jacobs and Mr. Wilson for the presentation.

**City Council Action: None Required. Informational Only.**

**Reference Order Number: 2018-060**

**PUBLIC HEARING(s):**

8. Public Hearing - To consider the Approval of Annual AB 1600 Report. (This report is related to legal requirements for enactment of a development impact fee program are set forth in Government Code §66000- 66025 (the "Mitigation Fee Act") State law (California Government Code Section 66006) requires each local agency that imposes AB 1600 development impact fees to prepare an annual report providing specific information about those fees. The AB 1600 legal requirements stipulate that fees imposed on new development have the proper nexus to any project on which they are imposed. In addition, AB 1600 imposes certain accounting and reporting requirements with respect to the fees collected. The fees for accounting purposes must be segregated from the General Fund of the City and from other funds or accounts containing fees collected for other improvements. Interest on each development fee fund or

account must be credited to the fund or account and used only for the purpose for which fees were collected. (Engineering Manager)

Engineering Manager Mikus presented the staff report recommending the City Council receive the report, open the public hearing and adopt a Minute Order accepting & approving this Annual AB 1600 Report.

Mayor Slayter asked for questions of staff. There were none.

Mayor Slayter opened the public hearing. Hearing no comments, Mayor Slayter closed the public hearing.

Council Deliberations:

There were none.

Councilmember Glass moved and Councilmember Gurney seconded the motion to adopt a Minute Order accepting & approving this Annual AB 1600 Report.

VOTE:

Ayes: Councilmembers Carnacchi, Glass, Gurney, Vice Mayor Hinton and Mayor Slayter  
Noes: None  
Absent: None  
Abstain: None

**City Council Action: Approved and adopted Minute Order accepting & approving this Annual AB 1600 Report.**

**Minute Order Number: 2018-061**

**REGULAR CALENDAR AGENDA ITEMS (DISCUSSION AND/OR ACTION):**

9. Continuation of Consideration and Discussion of Design Review of application from Armstrong Development for a 4,400-sq. ft. two-tenant building near the corner of Petaluma Avenue/Abbott Avenue. The Council's review is subject to a Settlement Agreement with CVS Pharmacy and Armstrong Development and other parties. (Planning Director/City Council Sub-Committee)

Planning Director Webster presented the staff report recommending the City Council approve the application based on the facts, findings, and analysis set forth and subject to the conditions of approval contained in this staff report, if there is a consensus that the design of the project is compatible with the site.

Julieann Martin, Armstrong Development, provided a presentation to the City Council.  
Renee Martinelli, Architectural Program Manager was also in attendance.

Mayor Slayter asked for questions of staff.

Mayor Slayter commented as follows:

- Two suites (suite on east side farthest away from Petaluma Avenue) has corner that has both walls (northeast corner of building that is solid) has relatively simple way to demarcate storage area or something not part of retail space
- Western suite does not see logical location for that

- How is that going to be dealt with for the front west tenant

Mr. Martinelli commented as follows:

- Because tenants can be different
- Some tenants want to face Petaluma Avenue
- Other suite towards east reason, there is a reason what the back wall is solid - moving the trash enclosures

Mayor Slayter commented as follows:

- Not a lot of options for trash enclosures
- Done best can be done with circumstances

Councilmember Gurney commented as follows:

- Like to hear from sub-committee
- Hard to see where doors are
- Seems facing Abbott much more of access points than Petaluma

Mr. Martinelli showed on the presentation the location of doors/entrances and discussed entrance locations may change based on tenants.

The Sub-committee (Mayor Slayter and Vice Mayor Hinton) commented as follows:

- Vice Mayor Hinton commented as follows:
  - Discussed windows have no shading (no dark)
  - Signs come back for review once secure tenants
- Mayor Slayter commented as follows:
  - Sub-committee took to heart conversation of Council when project was first before Council
  - Desire to have more intense land use in this location
  - Reiterated that to the applicant
  - City Manager worked with their legal counsel
  - Tried to go back to seller of property
  - Discussed additional story
  - Developers appeared to be open- but their hands are bound by settlement agreement
  - Reason to meet was to do design review
  - No recourse for density of site
  - Discussed frustration
  - Methods to increase verticality
  - Discussed sketches
  - Discussed single fin is more prominent and taller than anticipated – does add verticality to otherwise horizontal design
  - Material pallet interesting
  - Pleased no longer smaller mimicking version of existing siting CVS building
  - Not end up with something that looks like shopping center
  - Different than brick façade of CVS building
  - Materials same as last time at Council level with addition of fin and repositioning of trash enclosure

Councilmember Gurney commented as follows:

- Discussed the drawings
- Discussed area (utility locations)
- Discussed other picture shown looks lovely
- Can this be fixed

Mr. Martinelli commented that the photomontage is a truer representation of what it will look like and the sketch is a representation.

Councilmember Gurney discussed an artistic design on the half wall.

Councilmember Carnacchi stated there is only one toilet for each tenant and stated that would take away from a coffee shop being a tenant.

Mr. Martinelli commented as follows:

- Minimal code requirement for tenant of that size
- For planning purposes go with what the code requires
- Once the tenant is determined, will go through design process
- Can decide then if the tenant will provide more

Councilmember Carnacchi commented as follows:

- Discussed Corte Madera mall
- Discussed Tesla dealer
- Three Tesla cars in retail space
- Cool place on corner
- Consider putting in wider door

Councilmember Glass commented as follows:

- Looking at front page of large document
- Discussed rendering
- Looks like ratio of fin is 4-1 ratio
- When look at upper right – looks bigger
- Misapprehension of picture

Mr. Martinelli commented as follows:

- Question of how utilized
- Pictures look horizontal
- Picture is perspective view – eye level
- Perception of height changes
- Looks different
- Perspective truer to someone walking by

Councilmember Glass commented as follows:

- Input of sub-committee made positive changes to this
- Change from original one versus second versus third is a big improvement

Mayor Slayter opened for public comment.

Omar Figueroa commented as follows:

- Resident
- Business owner
- Employer
- Commended sub-committee for hard work
- Commended the collaboration
- Like fin
- Like more verticality in downtown Sebastopol
- Solar panels on roof top
- Discussed having a roof top garden
- Look to having trees on top
- Encourage that verticality
- More European feel for City

Alan Horn commented as follows:

- Resident
- Do not like the towering wall
- Eyesore
- People views will be blocked
- Should be removed from design

Council Deliberations:

Mayor Slayter commented as follows:

- Solar is required
- CVS has solar
- Commented on the rooftop garden and solar requirements

Kevin Parker, Armstrong Development, commented as follows:

- Discussed solar panels for roof
- Not explored roof top garden
- Restaurant would have multiple restrooms
- Utility cabinets – dealing with PG&E
- Strict regulations from PG&E
- Want to diminish utility coverings (paint or landscaping)
- Transformer is what it is
- Limited amount of what can be done

Councilmember Carnacchi commented on Tesla and its possible exposure here.

Councilmember Glass commented as follows:

- Share concern of utility albatross
- Looks ugly
- Disappointed not a lot of local control over shading

- Good idea to get absolute maximum landscape to get to shade or hide that utility
- Major problem

Mr. Parker stated they would be willing to explore additional screening methods for that and that the applicant is open to that idea.

Councilmember Gurney commented as follows:

- Not accept PG&E control what we are doing here
- Way to deal with it and create beauty rather than something as ugly as this photo looks
- One of the most prominent corners in town
- This is what everyone will see
- Needs to be attractive
- Must be some way to deal with this
- Utility cabinet at Woodstone Corners (has artistic rendering)
- Concern is that drawings are deceptive
- Makes nervous to see that
- If last resort is landscaping do something significant there to hide this
- PG&E have problems with landscaping as well
- Understand priorities
- That corner for a long time held patrick Amiot sculpture

Mayor Slayter commented as follows:

- Discussed the existing elements and elevations
- Discussed photos and plans
- Discussed elevations and realism of elevations
- Need for screening
- Looking at building elements – standard of industry
- Building itself is okay – fine - what asked for – but can be Anywhere USA
- This is not Anywhere USA - this is Sebastopol, CA
- Discussed settlement agreement
- Ended up with compromise
- Handsome building
- Easy to remodel in future
- Rapid building to construct
- Not condition additional foundation structure in eventuality of second floor
- Goes beyond design review purview
- Discussed surrounds and landscaping
- Wished this was at the Design Review Board – expert there
- Discussed landscaping on Petaluma Avenue – low and generic and flat
- Suggested additional street trees on approved list on Petaluma Avenue
- Asked applicants if they are amenable to revising the landscaping plan and bring back with sign application

Mr. Parker commented they are amenable to changing the landscaping as discussed.

Mayor Slayter commented as follows:

- Discussed screening on the utility corner
- Concrete filled galvanized bollards are ugly

Mr. Parker commented as follows:

- Come back with softening treatment
- Yellow is PG&E requirement
- Like idea of artistic painting on the utility boxes
- Stated can do if PG&E gives permission to do it
- Show options when come back

Councilmember Gurney commented as follows:

- Discussed no shading windows
- Confirming that the windows are not to be shaded
- Not want fake windows like CVS
- Can have window coverings

Mr. Parker commented as follows:

- Intent is opposite
- People look into the windows
- Might be shades by trash enclosure
- Main avenue wide open

Mayor Slayter stated the clear glass is in the conditions of approval.

Councilmember Gurney commented as follows:

- Appeal on application by Anytime Fitness
- Perceived to be formula business
- Not acceptable to that downtown location
- Property not subject to ordinance
- Suggested if looking for place that applicant should contact Armstrong
- Followed up with email
- Encouraged them to contact applicant
- Lively business connection address young people's concerns

Councilmember Carnacchi commented as follows:

- Like idea of landscaping on top
- Discussed vines on fin

Mayor Slayter commented as follows:

- Discussed public art
- Do in lieu payment instead

Councilmember Gurney commented as follows:

- Discussed bike racks
- Want to ensure installed the right way
- Current ones need to be turned to the right way

Mayor Slayter commented as follows:

- Upside down U should be turned on the bike racks
- Bike racks should be parallel

Councilmember Gurney stated many are installed the wrong way in town.

Mayor Slayter stated he does not know if these are existing.

Councilmember Gurney commented as follows:

- If wrong should be fixed
- Discussed timing of installation of landscaping
- Discussed building as shell
- No landscaping
- Why have to wait for signage

Director Webster stated that it could be a separate requirement that the landscaping has to come back without waiting for signage.

Mr. Parker commented as follows:

- Intent is to move forward
- Start process of permitting
- Agreed landscaping before Certificate of Occupancy
- Hope move forward with intent of building and getting drawings done
- Discussed landscaping and screening
- Discussed sign package

Councilmember Carnacchi questioned the cost per SF.

Mr. Parker commented as follows:

- CVS more expensive
- Steel/brick
- Backed off on this one
- Price increasing on cost
- Going up every couple weeks
- Keeps increasing
- Shell of this is north of \$200 per SF

Councilmember Glass commented as follows:

- Missed opportunity to not have a two story
- Believe the developers realize that
- Public needs to understand limited because of agreement
- Improvement over what was started with

Councilmember Glass moved and Councilmember Gurney seconded the motion to approve the application based on the facts, findings, and analysis set forth and subject to the conditions of approval

contained in this staff report and that there is consensus that the design of the project is compatible with the site with the following conditions:

- Review of landscaping plans shall return for Council Review
- Review of signs to return for Council review
- Work with whoever on screening of utility cabinets, fire riser and street signs
- Provide additional trees or other elements in landscaping plan
- Screening of utility is not just limited to use of landscaping (most effective way to screen)

Discussion:

Councilmember Gurney questioned the bike racks.

The applicant stated the bike racks are existing.

Councilmember Gurney commented that she would like to see them installed correctly and stated they are currently crossing the sidewalk and not parallel with the sidewalk.

City Manager McLaughlin stated he will have engineering review the bike racks and if they are not installed correctly, the City will do what it can to correct it.

The Council was in consensus with the bike racks not being a part of the motion.

Councilmember Gurney commented as follows:

- Not want business to hamstring the Council because of the settlement agreement
- Want good business neighbor
- A lot more fun if second story
- Something trending and interesting

City Manager McLaughlin commented as follows:

- Had discussion with legal counsel of second story
- Understanding owners had given it serious consideration

Mayor Slayter commented that he appreciates the efforts, but is disappointed in the outcome.

**VOTE:**

Ayes: Councilmembers Carnacchi, Glass, Gurney, Vice Mayor Hinton and Mayor Slayter

Noes: None

Absent: None

Abstain: None

**City Council Action:** Approved the application based on the facts, findings, and analysis set forth and subject to the conditions of approval contained in this staff report and that there is consensus that the design of the project is compatible with the site with the following conditions:

- Review of landscaping plans shall return for Council Review
- Review of signs to return for Council review
- Work with whoever on screening of utility cabinets, fire riser and street signs
- Provide additional trees or other elements in landscaping plan
- Screening of utility is not just limited to use of landscaping (most effective way to screen)

Minute Order Number: 2018-062

Mayor Slayter called for a break at 8:01 pm and reconvened the meeting at 8:14 pm.

10. Consideration of Request for Planning Commission Ordinance Amendments. This item is to discuss the potential future make up and appointment of Planning Commission members (Vice Mayor Hinton)

Vice Mayor Hinton presented the report recommending the City Council consider the request for Planning Commission Ordinance Amendments.

Mayor Slayter asked for questions of Vice Mayor Hinton. There were none.

Mayor Slayter opened for public comment.

ila Benavidez-Heaster commented as follows:

- Trying to understand what it is that is trying to be accomplished
- Where is experience that will allow Council to appoint
- Explore it a little more
- Outstanding people on the Commission
- Ask questions Council does not even think about
- See on Commission current appointees are gifted
- Talking how it will affect things, not just the plans in front of them
- Most rewarding group to listen to
- Logical group
- Not know how choose anyone better than those on the Commission
- Need to get different questions for interviews
- Work well together
- Appreciate what is a possibility

Alan Horn commented as follows:

- Good idea
- Like to see the Planning Commission be comprised of more women
- Time to make serious changes with Planning Commission

Councilmember deliberations:

Councilmember Gurney asked Vice Mayor Hinton to discuss the comment request to lift up.

Vice Mayor Hinton commented as follows:

- Discussed the Institute of Local Government
- Read from handout
- Watch Planning Commission meetings
- Operating independent body
- This idea will have more connection to Council
- Appointment system for 5 members would give that connection

- Lift would come from there
- Trend to going to appointment system
- Three cities left that do not do it that way in Sonoma County
- Have liaison to that body
- Discussed items recently that Council overturned on appeal

Councilmember Gurney commented that she does not understand the liaison idea.

Vice Mayor Hinton commented that if the Council appoints a Commissioner, the Council member will work more closely with that person.

Councilmember Gurney commented that if a Councilmember is appointing a Commissioner, it could be an obstacle to reaching out to group Council appointees.

Vice Mayor Hinton commented as follows:

- Does not see this as an obstacle
- If appointed, represents voters in a direct way
- Work more directly with that individual
- Something behind trend for individual appointments
- Recently, City has had lack of applicants
- Lack of applicants also running for City Council
- Planning Commission is training grounds typically for people to get more experience if running for City Council

Councilmember Glass commented as follows:

- Concern of the proposal is having it open to people outside of the City limits and 95472 zip code
- There is the need for Planning Commissioners to be responsible to the residents and voters
- If the Planning Commission majority do not live within City limits, that would seem problematic
- Our residents have to live with the consequences of Planning Commission decisions

Vice Mayor Hinton commented as follows:

- Currently two members are either a business owner or live within the 95472 zip code
- Is okay with saying that 5 members would be from Sebastopol City limits (possible that they would run for City Council)
- Leave two positions from other areas

Councilmember Gurney commented as follows:

- Like the way the Planning Commission is set up now
- Resident (constituent)
- Or Business owner who does not have to live in town but is present and visible
- Do have seat created for 95472 resident
- Created a number of years ago
- Prior to election had long discussion
- Seat reserved for community member who is attached to Sebastopol community in convincing way to Council
- Discomfort with appointing someone directly in this regard

- Person beholden to point of view – concerning
- Like notion viewpoint is enhanced regarding potential applicants by four other people asking the applicant questions
- Four other view points on the Council during interviews
- Cannot assume that one Councilmember represents everyone successfully from their point of view
- Way too much power
- Could appoint one person on Planning Commission who could control Planning Commission
- Not what this community wants
- Bothers her heart and mind
- Diversity and point of view is much stronger
- Convincing five people worthy of responsibility rather than just one
- Much richer to have group as designed now
- Appreciate initiative shown
- Appreciated research
- Important to know what is trending and what is happening
- Stand for wider representation than one on one
- Do not go to their meetings
- Not want them to do what I want

Vice Mayor Hinton commented as follows:

- Would never tell a Planning Commissioner appointed by her what to do
- Brought forward for diversity
- Not a power position

Mayor Slayter commented as follows:

- Have considered similar item at times
- Changing the way the appointments are made
- Never had come to firm fruition
- Item caused to consider why that was
- Why never made leap to make proposal to Council as whole
- Interview process is interesting thing
- At times cumbersome
- At times schedule is inconvenient for interviews – part of doing work
- Continuity that is provided by the current system
- 4 year terms
- Some resign
- Great continuity
- Echo Councilmember Gurney's comments on research
- Appreciate that as well
- Item of 95472 area – remember adamant stance not open it up to that
- Continue to hold that viewpoint
- Becoming comfortable with one seat
- Happy to have considered this
- Think current system is successful

- Worry of politicization of Planning Commission
- Elections change people
- No guarantee someone down the road would not do that

Councilmember Glass commented as follows:

- Vice Mayor Hinton brought this forward from concerns of decisions of the Planning Commission that the Council did not agree with
- One decision was concerning
- Stated this goes to vision
- Discussed vision of downtown core and economic basis for City
- Planning Commission needs to know the Council's vision
- Think of the appeals as disconnect
- Look at how things come down the pike for the next year
- More of a response for Council vision
- Locally generated local businesses
- Ideas in General Plan
- Decision out of step of where going with General Plan
- In agreement with keeping the Planning Commission as is
- Wondering how we can as City Council better share our vision with the Planning Commission
- Look at joint meetings with the Planning Commission
- Need workshop environment
- Revisit goals and priorities in terms of what is going on with the General Plan
- Good exercise for Planning Commission to work on focus of General Plan

Councilmember Gurney commented as follows:

- Not see appellate process as failure of Planning Commission
- Saw four appeals
- Not a big deal
- Responsibility of the applicant
- Can seek redress from the Council
- Like independence of Planning Commission
- People can change behavior in order to secure votes if running for City Council
- Integrity gets worn down
- People turn into voter pleasers
- Not want Planning Commissioners to turn into that
- Have professional staff to consult them
- Critical that we entrust other people with more responsibilities other than ourselves to try to control more
- Discussed 3-2 vote
- Not see that as good circumstance for Planning Commission to be in
- If they make mistakes, the Council is here to impose community values because we are elected

Vice Mayor Hinton commented as follows:

- New idea
- Did research
- Provided to colleagues the information researched

- Not about the recent decision but did have some impact
- Opportunity to get more newcomers involved in the City to step up and do some roles in city government
- New idea
- See that it will not be passed tonight – no support
- Still stand by item of bringing this forward based on the research
- A number of people use this system
- Legit system
- Not about cronies or telling people what to do

Councilmember Gurney commented as follows:

- Each Councilmember can encourage people to apply
- Reach out to potential applicants
- Let them know openings and responsibilities
- Have those interested people submit paperwork

Councilmember Glass commented as follows:

- Discussed the people pleaser comment
- Not trying to be people pleasers
- Job is to reflect the values of the community
- Listen to the desire of others
- Use expertise and experience to make best decisions can on behalf of the public using values of the City
- Responsibility of the Planning Commission to respond to values and desires of the community
- Not a bad thing to respond to desires of constituents

Councilmember Carnacchi commented as follows:

- Discussed the 1787 Constitution
- If in minority speak, if in majority vote

Councilmember Gurney stated if a Councilmember does not speak, the public does not know what that Councilmember stands for.

**City Council Action: No action taken. There was no majority support for this item.**

**Minute Order Number: 2018-063**

11. Consideration of Approval of Resolution adopting the “Locals Who Make A Difference” Banner Recognition Program and Request for Budget Allocation in an amount not to exceed \$3000 for this Fiscal Year (City Council Sub-Committee/Responsible Department: Public Works)

Public Works Superintendent Del Prete presented the report recommending the City Council consider Approval of Resolution adopting the “Locals Who Make A Difference” Banner Recognition Program and Request for Budget Allocation in an amount not to exceed \$3000 for this Fiscal Year. Vice Mayor Hinton provided additional comments on the program. Councilmember Gurney thanked Vice Mayor Hinton for this program and thanked staff.

Mayor Slayter asked for questions of staff or the sub-committee. There were none.

Mayor Slayter opened for public comment.

ila Benavidez-Heaster commented as follows:

- Most refreshing piece in long time
- Thanked the Council
- Great energy
- Go forward
- We see those in the community
- Lift people up if do community building
- Will run into problems
- Yes, to the program
- Experience things not want to experience

Council Deliberations:

Mayor Slayter commented as follows:

- Great idea
- Amazed at speed at which came back
- Questions answered
- Suggestion on Council meeting approval schedule
- November/July schedule has two meetings that are more frequently cancelled than others
- Make better sense to select meetings that do not have those inherent conflicts

Vice Mayor Hinton commented as follows:

- Discussed the schedule of meetings
- Once launched, the schedule will take a natural course

Councilmember Gurney suggested either meeting in November or July.

Mayor Slayter suggested flexibility for scheduling meeting dates

Councilmember Carnacchi stated this is a great program and thanked Vice Mayor Hinton.

Councilmember Gurney commented as follows:

- Puts face to City
- Will have a story line
- Story line will be impressive
- Credentials and history of what represent
- Personalize who we are as City
- Knits us together in a nice way
- Celebrate our people who contribute so much who may not be recognized
- Real people who do real things
- Honor those people who are nominated
- Good change in culture

Councilmember Glass commented as follows:

- Stated this is an analog facebook

- Real time
- Real people
- Seeing stuff in real context that is not digital
- Recognition
- Everyone interacts on daily basis

Mayor Slayter moved and Councilmember Gurney seconded the motion to Approve Resolution adopting the “Locals Who Make A Difference” Banner Recognition Program and Request for Budget Allocation in an amount not to exceed \$4756 for this Fiscal Year.

VOTE:

Ayes: Councilmembers Carnacchi, Glass, Gurney, Vice Mayor Hinton and Mayor Slayter  
Noes: None  
Absent: None  
Abstain: None

**City Council Action: Approve Resolution adopting the “Locals Who Make A Difference” Banner Recognition Program and Request for Budget Allocation in an amount not to exceed \$4756 for this Fiscal Year.**

**Minute Order Number: 2018-064**

**Resolution Number: 6179**

12. Recommendation from Planning Commission to Consider Initiating an Update of the Telecommunications Ordinance by Resolution of Intention, ~~and Considering Enacting a Temporary Moratorium on Telecommunication Applications During the Ordinance Update~~ (Planning Director)

Planning Director Webster presented the staff report recommending the City Council Consider Initiating an Update of the Telecommunications Ordinance by Resolution of Intention ~~and Considering Enacting a Temporary Moratorium on Telecommunication Applications During the Ordinance Update.~~

Mayor Slayter asked for questions of staff.

Councilmember Gurney questioned how this dovetails with moratoriums on applications.

City Manager McLaughlin commented as follows:

- Normally, when taking up land use ordinance revisions, there is no question that the City Council could pass a moratorium on applications while considering updating ordinance
- Have done before
- Council aware the topic of telecommunications laws pre-empted by Federal government
- Minimum problematic (research) to try to enact moratorium at this time
- Subject City to legal challenge
- Still looking into that topic
- Not do anything to put City into lawsuit
- Approaching carefully

Mayor Slayter opened for public comment.

Alan Horn commented as follows:

- In favor of updating the telecom ordinance
- Requested to Include a provision for a full time radiation safety offer to monitor non-ionizing radiation in Sebastopol
- Reporting this to Sebastopol residents daily like weather reports
- See moratorium initiated
- Minimum of one-year moratorium
- Obvious little understanding of true nature of dangers of non-ionizing radiation
- Take some time to get up to speed on how dangerous it is
- Read earlier in the meeting health issues associated with EMF
- Health issues need to be addressed
- Responsibly to address health issues of the residents of Sebastopol
- Federal government cannot tell us otherwise

Council Deliberations:

Councilmember Glass commented as follows:

- Changes have occurred since ordinance has been passed
- Well overdue for an update
- Need to update this ordinance to deal with changes coming about
- In response to the great lobbying of League of CA Cities for local control, Council should step up to the plate and avail ourselves to have local control where viable

Mayor Slayter suggested using the League of CA Cities for references.

Councilmember Carnacchi commented as follows:

- Discussed 75-foot setback
- What affect does Federal law have on that ordinance/setback

Planning Director Webster commented as follows:

- Awaiting response from applicant where that is an issue
- Do not know what that will be
- Have that law on the books
- See what their response is
- Various court cases that challenge different ways that Cities have tried to regular cell tower
- In some cases, cities have lost
- Not know outcome at this point
- City law on the books

Councilmember Carnacchi commented as follows:

- If law on books before, does not prevent Verizon from coming in
- Wouldn't this law benefit the City in a court case

City Manager McLaughlin commented as follows:

- When City passes ordinance, someone can challenge at that time
- Separate opportunity when attempt to apply ordinance to particular application, applicant can challenge

- Applicant is discussing that provision, but the City does not know the applicant's reaction
- Related issues – pertaining to moratorium and this question
- Time limit for City to take action to approve/deny application of this type
- Time period runs (unless voluntarily stopped by applicant) clock runs until expired
- Once time clock has run, application can be deemed approved
- Clock is running on this application

Director Webster commented as follows:

- Discussed for a new installation, the time period is 150 days
- Some applicants in this industry contend that this is not a new application and is subject to the 90-day clock

City Manager McLaughlin stated the applicant has not voluntarily stopped the clock.

Councilmember Carnacchi questioned if the City is within the 90 days.

City Manager McLaughlin commented as follows:

- City view is 150 days
- Is a new application
- Does not mean applicant agrees with that point of view
- City determination is 150 days

Councilmember Gurney questioned when the Planning Commission would be able to work on this and when would it return to the City Council.

Director Webster commented as follows:

- Planning Commission is working on the Zoning Ordinance and Zoning Map and should be done with their review and wrap up those items this month
- Will have opportunity to work on the issue
- Not sure how long that would take
- Not discussed process with them yet
- 4-6 months before process complete and at City Council

Councilmember Gurney moved and Councilmember Glass seconded the motion to approve Initiating an Update of the Telecommunications Ordinance by Resolution of Intention, ~~and Considering Enacting a Temporary Moratorium on Telecommunication Applications During the Ordinance Update.~~

**VOTE:**

Ayes: Councilmembers Carnacchi, Glass, Gurney, Vice Mayor Hinton and Mayor Slayter

Noes: None

Absent: None

Abstain: None

**City Council Action: Approved Initiating an Update of the Telecommunications Ordinance by Resolution of Intention**

**Minute Order Number: 2018-065**

**Resolution Number: 6180**

13. Consideration and Direction to Mayor or his/her Designated Representative for Voting for Various Boards and Committee Vacancies at the April 12, 2018 City Selection Committee and Sonoma County Mayors and Councilmembers Association Meeting (City Administration)

Mayor Slayter presented the report recommending the City Council consider and provide direction to Mayor or his/her Designated Representative for Voting for Various Boards and Committee Vacancies at the April 12, 2018 City Selection Committee and Sonoma County Mayors and Councilmembers Association Meeting.

CITY SELECTION COMMITTEE

1. Local Agency Formation Commission (LAFCO), one position, to fill expired four (4) year term (May 2018) Pam Stafford (Rohnert Park)  
One Letter received from Pam Stafford (Rohnert Park)

Council was in consensus for Pam Stafford.

2. Countywide Oversight Board for Successor Agencies- One Position - This is a new position. (There is no specific term).  
Two Letters Received:  
David Cook (Sonoma)  
Chris Rogers (Santa Rosa)

3. Countywide Oversight Board for Successor Agencies – Alternate) – One Position - This is a new position. (There is no specific term)  
No letters were received for this specific opening.

Mayor Slayter asked for questions of staff. There were none.

Mayor Slayter opened for public comment. There were none.

Councilmember Gurney recommended David Cook for the position and if Chris Rogers were willing, to appoint Chris Rogers as the alternate.

The Council was in consensus with that recommendation.

**City Council Action:** The Council was in consensus to support Pam Stafford to LAFCO and recommended David Cook for the position and if Chris Rogers were willing, to appoint Chris Rogers as the alternate.

**Minute Order Number:** 2018-066

**CITY COUNCIL REPORTS:**

14. City Manager-Attorney/City Clerk Reports:
  - *Report out of Receipt of Application(s) for Opening on the Citizen's Seat on the County-wide Bicycle and Pedestrian Advisory Committee (CBPAC)*

**City Council Action:** *None Required. Informational only.*

**Reference Order Number:** 2018-067

15. City Council Reports/Committee/Sub-Committee Meeting Reports: (Reports by Mayor/City Councilmembers Regarding Various Agency Meetings/Committee Meetings/Sub-Committee

Meeting /Conferences Attended and Possible Direction to its Representatives (If Needed) on Pending issues before such Boards):

Councilmember Gurney reported as follows

- Discussed the Survey that is out for the Ride the Bus – Public Transit System
- March 31<sup>st</sup> - Walk about - Sebastopol Walks - 7 ½ mile walk

Vice Mayor Hinton reported as follows

- Armstrong Committee meeting – item heard tonight
- Involved with Councilmember Glass in budget subcommittee meetings

Councilmember Carnacchi questioned if the budget sub-committee meetings are open to the public.

City Manager McLaughlin commented as follows:

- Noticed of open meetings – one which is the Community Benefit Grant applications
- Other meetings when meet with department heads and discuss personnel issues cannot be made public
- Sensitive confidential nature of the subject

16. Council Communications Received:

Mayor Slayter reported as follows:

- Sister City group departing Thursday morning for Takeo
- Attended final meeting on Sunday
- Presented Mayor with Thank You card
- Thanked for increasing community benefit grant for cost of bus being covered

17. Future City Meeting Dates/Events (Informational Only): (See Agenda and City Web site for Up to Date Meeting Dates/Times)

CLOSED SESSION: None

**ADJOURNMENT OF REGULAR MEETING:** Mayor Slayter adjourned the regular City Council meeting of March 20, 2018 at 9:27 p.m. The meeting will be adjourned to the next Regular City Council Meeting which will be held on Tuesday, April 3, 2018 at 6:00 pm, at the Sebastopol Youth Annex/Teen Center, 425 Morris Street, Sebastopol, CA.

Respectfully Submitted,

Mary Gourley  
Assistant City Manager/City Clerk, MMC